

### REMARKS

Claims 7-9 have been rejected under 35 USC 102(a) as being anticipated by U.S. patent no. 6,251,770 ("Uglow").

Claims 1-6 and 10 have been rejected under 35 USC 103(a) as being unpatentable over Uglow, in view of U.S. patent no. 6,159,845 ("Yew").

Applicants respectfully traverse these rejections in view of the amendment because the cited references do not disclose or suggest every element of any pending claim, as the following analysis shows.

Independent claims 1 and 7 recite a variable concentration of dopants in a CDO layer with a higher concentration in the initially formed portion of the layer than in the subsequently formed portion. Uglow discloses just the opposite (see Fig. 8A, 8B, col. 2 lines 60-67). Nor would it be obvious to modify Uglow in the claimed manner, since Uglow's process involves increasing the amount of dopant in the chamber during processing, while the claimed distribution would involve decreasing the amount of dopant in the chamber during processing. Although adding more dopant is a fairly simply operation, Uglow does not disclose or suggest any manner in which dopant could be removed from the chamber during processing to produce the decreased amount. Yew does not make up for this missing limitation.

The remaining pending claims depend from claims 1 and 7 and therefore contain the same limitations not disclosed or suggested by the cited references.

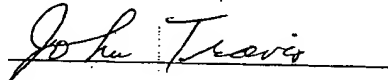
CONCLUSION

For the foregoing reasons, Applicant submits that the application is now in condition for allowance, and indication of allowance by the Examiner is respectfully requested. If the Examiner has any questions concerning this application, he or she is requested to telephone the undersigned at the telephone number shown below as soon as possible. If any fees or credits are found that are not otherwise covered, please charge any insufficiency or credit any overpayment to Deposit Account No. 02-2666.

Respectfully submitted,

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